IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

Con.Case(C).No. 995 of 2007(S)

AGAINST THE JUDGMENT DATED 17/8/2006IN WPC.29758/2005

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PETITIONER/PETITIONER IN THE WP(C)

K.GOPALAKRISHNAN, AGED 59,
S/O.C.KUNJU PILLAI, PRINCIPAL, (RETD),
S.N.COLLEGE, PUNALUR, RESIDING AT 'VINAYAKA',
CHEMMATHUR SOUTH, PUNALUR P.O.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS: RESPONDENTS NO.2 & 3 IN THE WP(C)

1. PRABHAKARAN,
(AGE AND FATHER'S NAME NOT KNOWN TO THE
PETITIONER),
DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.

2. C.MOHANKUMAR, AGED 54,
S/O.CHANDRAN UNNITHAN,
DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, KOLLAM.

BY GOVERNMENT PLEADER SRI THOMASL JOHN AMBOOKEN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

C.O.C.No.995 OF 2007

Dated this the 25th day of October, 2007

JUDGMENT

Petitioner alleges that pursuant to the judgment of this Court rendered in W.P.(C) No.29758/2005, the respondent State did not disburse him the amount withheld as per Ext.P2. The matter was posted for instruction and today an affidavit is filed. It is stated that though a writ appeal was preferred against the judgment in O.P.No.29758/2005, the same was also dismissed without condoning the delay, leaving open the right of the Government to pass fresh orders in accordance with law. As per the judgment in the writ petition, what is quashed is Ext.P2, as per which the liability was fastened on the petitioner. However, no consequential relief was granted in the writ petition. Though it is contended by the learned counsel for the petitioner that it is the natural consequence of quashing Ext.P2, in the absence of any specific direction issued in this behalf, it cannot be said that such non-payment amounts to wilful disobedience of the judgment of this Court. Leaving open the petitioner's right to seek remedies by independent proceedings this Contempt Case is closed.

P.R.RAMAN,
Judge.

kcv.